

Appl. No. 09/405,787

Amdt. dated September 2, 2003

Reply to Office Action of June 2, 2003

**REMARKS**

This Amendment is in response to the Final Office Action mailed June 2, 2003. Applicant has filed a Request for Continued Examination to have the Office withdraw the finality of the Office Action and have this submission entered and considered. In the Office Action, the Examiner rejected claims 1-2, 6-8, 12-13, 17-19, and 23 under 35 U.S.C. § 102, and rejected claims 3-5, 9-11, 14-16, 20-22, and 24-42 under 35 U.S.C. § 103. Claims 1-42 remain pending in the application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

***Rejection Under 35 U.S.C. § 102***

3. The Examiner rejects claims 1-2, 6-8, 12-13, and 17-19 under 35 U.S.C. § 102(e) as being anticipated by Akhtar (US 6,172,973).

Referring to claim 1 and 12, the Examiner asserts that Akhtar discloses "means for receiving a voice call having a first media type being any one of TDM voice/fax, VoIP, VoATM and VoFR, and a first signaling type corresponding to said first media type" citing Akhtar's disclosure of means for receiving voice calls in a TDM format. The Examiner asserts that the claimed switch apparatus is a switch that converts one first media type chosen from TDM voice/fax, VoIP, VoATM and VoFR to one second media type chosen from TDM voice/fax, VoIP, VoATM and VoFR in the Examiner's Response to Arguments. It is applicant's intent to claim a switch apparatus that is an any-to-any media type switch as described in the specification on page 12, line 16, through page 13, line 3. Applicant has further amended claims 1 and 12 to make clear that means to receive voice calls is capable of receiving TDM voice/fax, VoIP, VoATM and VoFR media types, that means to convert voice calls is capable of converting to TDM voice/fax, VoIP, VoATM and VoFR media types, and that said voice call is converted to a second media type different than said first media type. Applicant respectfully submits that Akhtar fails to anticipate a first means capable of receiving voice calls having TDM voice/fax, VoIP, VoATM and VoFR media types, or a second means capable of converting voice calls to TDM voice/fax, VoIP, VoATM and VoFR media types.

Referring to claims 2, 6-8, 13, and 17-19, applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-2, 6-8, 12-13, and 17-19 under 35 U.S.C. § 102(b) as being anticipated by Akhtar.

4. The Examiner rejects claim 23 under 35 U.S.C. § 102(b) as being anticipated by Bartholomew et al. (US 5,712,903).

The Examiner asserts that Bartholomew discloses "said broadband connection having a first media type being any one of TDM voice/fax, VoIP, VoATM and VoFR" citing figure 8. The Examiner asserts that the claimed switch apparatus is a switch that converts one first media type chosen from TDM voice/fax, VoIP, VoATM and VoFR to one second media type chosen

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from TDM voice/fax, VoIP, VoATM and VoFR in the Examiner's Response to Arguments. It is applicant's intent to claim a switch apparatus that is an any-to-any media type switch as described in the specification on page 12, line 16, through page 13, line 3. Applicant has further amended claim 23 to make clear that the broadband connection is capable of communicating TDM voice/fax, VoIP, VoATM and VoFR media types.

The Examiner further asserts that Bartholomew discloses "said narrowband connection having a second media type being another of TDM voice/fax, VoIP, VoATM and VoFR" citing the narrowband telephone call of figure 8. As for the first media type, the second media type is not limited to one second media type chosen from TDM voice/fax, VoIP, VoATM and VoFR. Applicant has further amended claim 23 to make clear that the narrowband interface is capable of communicating TDM voice/fax, VoIP, VoATM and VoFR media types.

Applicant respectfully submits that the any-to-any switching of the present invention clearly distinguishes the present invention from the disclosure of Bartholomew that only shows conversion from the single narrowband T1 voice medium to the single VoATM medium. Bartholomew does not anticipate either the broadband or the narrowband interfaces as now claimed.

Applicant respectfully requests that the Examiner withdraw the rejection of claim 23 under 35 U.S.C. § 102(b) as being anticipated by Bartholomew.

***Rejection Under 35 U.S.C. § 103***

6. The Examiner rejects claims 32, 33, 37, 38, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Akhtar.

The Examiner rejects the claims for the same reasons as claims 12, 13, 17, 18, and 19. According applicant traverses these rejections for the same reasons as given above for claims 12, 13, 17, 18, and 19.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 32, 33, 37, 38, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Akhtar.

7. The Examiner rejects claims 3, 14, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Akhtar in view of Chu et al. (US 5,956,334).

Applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

8. The Examiner rejects claims 9, 11, 20, 22, 40, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Akhtar in view of Lee (US 6,252,847).

Applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

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9. The Examiner rejects claims 5, 16, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Akhtar in view of Chu as applied to claims 3 and 14 above and further in view of Lee.

Applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

10. The Examiner rejects claims 4 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Akhtar in view of Chu as applied to claims 3 and 14 above and further in view of Martin (US 6,154,776).

Applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

11. The Examiner rejects claims 10, 21, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Akhtar in view of Lee as applied to claims 9 and 20 above and further in view of Martin.

Applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

12. The Examiner rejects claims 25-29 under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew (US 5,712,903).

Applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

13. The Examiner rejects claims 24 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew in view of Chu.

Applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

14. The Examiner rejects claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew in view of Chu as applied to claim 30 above and further in view of Rathnavelu (US 5,914,934).

Applicant relies on the patentability of the claims from which these claims depends to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

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**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: September 2, 2003

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